REMARKS

Claims 1-27 are pending in the application.

Applicant wishes to thank the Examiner for recognizing in paragraph 4 of the Office Action that claims 2-13 and 15-26 are allowable. Applicant respectfully defers re-writing these claims in independent form until final resolution of the rejected claims.

In paragraphs 2 and 3 of the Office Action, claims 1, 14 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,085,697 (Rappaport) in view of U.S. Patent Application Publication No. 2002/0065928 (Senga). The Examiner's rejection on this ground is respectfully traversed.

Among the limitations of independent claims 1 and 14 that are neither disclosed nor suggested in the art of record are the requirements for predicting a path of a ray provided within an observation region and reception determination processing that is applied to reception points of said ray, grouping the "reception points arranged within said observation region . . . for singular or plural reception points," and applying "reception determination processing . . . to reception point groups." Among the limitations of independent claim 27 that are neither disclosed nor suggested in the art of record are the requirement for "arranging reception points within said observation region by dividing said reception points into groups for singular or plural reception points" and "said reception determination processing is applied to reception point groups including the reception points to which said reception determination processing is needed to be applied."

Rappaport is directed to measuring a wireless network's performance at fixed or moveable watch points in an environment. Rappaport, col. 8, ll. 27-30. Rappaport teaches modeling interference to establish radio signal strength contour lines. *See* Rappaport, Figs. 3 and 4. Rappaport does not disclose predicting the path of a ray. The Office Action admits on page 3 that "Rappaport does not teach [that] the reception points [*i.e.*, points in a ray's predicted path] are arranged into groups in the observation region for singular or plural reception point grouping." Indeed, because Rappaport fails to disclose grouping reception points, it cannot also disclose that such ray path determination processing "is applied to reception point groups," as

required by the independent claims. Senga fails to cure these deficiencies of Rappaport, and further, it is improper to combine Senga with Rappaport.

Senga fails to show the claimed teachings that the Office Action admits are deficient in Rappaport. Senga does not disclose the claimed "reception determination processing of [a] ray" (*i.e.*, determining the reception of an electro-magnetic wave cast in free space). Rather, Senga is directed to the transmission of data multicast in a wired network, and the management of groups of terminals and selective data communications to selective groups, as disclosed in the cited portions of Senga [0018]-[0023] and [0106]-[0110]. These teachings in Senga are not the claimed "reception determination processing of [an electromagnetic] ray." Therefore, Senga does not concern predicting a path of "a ray provided within an observation region" as required by the independent claims, and thus, cannot teach the claim limitations of grouping the "reception points arranged within said observation region . . . for singular or plural reception points," and applying "reception determination processing . . . to reception point groups." In the absence of any disclosure or teachings of these claimed limitations, independent claims 1, 14 and 27 are believed to be in condition for allowance.

Further, it is improper to combine Senga with Rappaport for the simple fact that Senga's teachings are not in the same field as Rappaport. Senga relates to "a multicast system in which a plurality of terminals are distributed and connected via a [wired] network so that data can be transmitted in a multicast mode in the system." Senga at [0002]. Senga discloses "a multicast conferencing system that has such construction and is capable of dividing an entire multicast conference group into a plurality of multicast conference groups with easier procedures." *Id.* The International publication classification (G06F15/16) and U.S. publication classification (709/231 and 709/206) of Senga do not match the International and U.S. classes of Rappaport. Clearly, Senga's teachings are not in the field of ray and radio wave propagation, and one with ordinary skill in the art of ray and radio wave propagation would not have looked to the multicast conferencing field for teachings of determining the propagation of rays.
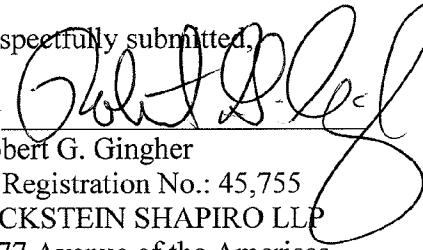
Thus, it is not proper nor logical to combine the teachings and suggestions of Rappaport and Senga, as advanced by the Examiner, except from the use of Applicant's invention as a template through a hindsight reconstruction of Applicant's claims. *Ex Parte Crawford et al.*, Appeal 20062429, decided May 30, 2007. Accordingly, withdrawal of this

rejection is respectfully requested on this basis alone. Accordingly, because the Office Action fails to set forth a *prima facie* case of obviousness, Applicant respectfully requests withdrawal of the rejection.

In view of the above remarks, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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